

## Update: Traffic Benchbook— Revised Edition, Volume 2

### CHAPTER 2

#### Procedures in Drunk Driving and DWLS Cases

##### 2.2 Police Authority to Arrest Without a Warrant

###### A. Statutory Authority

Effective October 1, 2002, 2002 PA 483 amended MCL 764.2a by expanding police jurisdiction over various criminal offenses and civil infractions. MCL 764.2a(1)(a)-(c) now authorizes county, city, village, township, and university peace officers to exercise their authority outside their municipality's geographical boundaries in any of the following circumstances:

- F If the officer is enforcing a law of this state in conjunction with the Michigan State Police.
- F If the officer is enforcing a law of this state in conjunction with a peace officer of any county, city, village, township, or university in which he or she may be.
- F If the officer has witnessed an individual violate any of the following within the geographical boundaries of the officer's municipality or university and immediately pursued the individual outside of that boundary:
  - A law of this state or administrative rule;
  - A local ordinance;
  - A law of this state, administrative rule, or local ordinance that is a civil infraction, municipal civil infraction, or state civil infraction.

Additionally, MCL 764.2a now provides that an officer pursuing an individual in any of the foregoing circumstances may stop and detain the individual outside the geographical boundaries of the officer's municipality or university for the purpose of enforcing that law, administrative rule, or ordinance or enforcing any other law, administrative rule, or ordinance before, during, or immediately after detaining the individual. MCL 764.2a(2). Furthermore, "if the violation or pursuit involves a vessel moving on the waters of this state, the officer pursuing the individual may direct the operator of the vessel to bring the vessel to a stop or maneuver it in a manner that permits the officer to come beside the vessel." *Id.*

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### Procedures in Drunk Driving and DWLS Cases

#### 2.6 Arraignment/Pretrial Procedures

##### E. Guilty and Nolo Contendere Pleas

###### 1. Prerequisites for Accepting a Plea — Advice to the Defendant

Effective September 1, 2002, MCR 6.302(B)\* was amended in part to eliminate the requirement that a court advise the defendant of the circumstances in which it has discretion to appoint appellate counsel. Thus, former MCR 6.302(B)(7) has been deleted. The advice formerly contained in MCR 6.302(B)(7) remains in MCR 6.425(E)(2)(c), the court rule governing the right to appeal and appointment of appellate counsel.

\*This court rule governs cases cognizable in circuit court.